

1 HAYES H. GABLE III
2 Attorney at Law
3 State Bar No. 60368
4 428 J Street, Suite 350
5 Sacramento, CA 95814
6 (916) 446-3331
7 Fax: (916) 447-2988

8 Attorney for Defendant
9 MICHAEL STEVENS

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12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE EASTERN DISTRICT OF CALIFORNIA

14

15 **UNITED STATES OF AMERICA,**

16

Plaintiff,

17

vs.

18

MICHAEL STEVENS,

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Defendant(s).

Cr. S-04-289 WBS

20 **STIPULATION AND [PROPOSED]
21 ORDER RE: CONTINUANCE OF
22 STATUS CONFERENCE AND
23 EXCLUSION OF TIME UNDER
24 SPEEDY TRIAL ACT**

25 Hon. William B. Shubb

26

STIPULATION

27 Plaintiff, United States of America, by and through its counsel, Assistant United States
28 Attorney Matthew Segal, and defendant Michael Stevens, by and through his counsel, Hayes H.
1 Attorney at Law, and stipulate to vacate the existing status conference in the above-captioned action,
2 Gable III, agree and stipulate to vacate the existing status conference in the above-captioned action,
3 October 12, 2005, and to continue the matter to, November 23, 2005, at 9:00 a.m.

4 The reason for this continuance is that the parties are in the process of negotiating a
5 disposition in this matter, but additional time is needed for the defense to investigate and research
6 certain matters relating to the defendant's criminal history and consult with the defendant which
7 could have a significant impact on the plea agreement. It is fully anticipated that the defendant will
8 be changing his plea on November, 23, 2005.

9 The parties further agree and stipulate that the period for the filing of this stipulation until
10 November 23, 2005, should be excluded in computing time for commencement of trial under the

1 Speedy Trial Act, based upon the interest of justice under 18 U.S.C. § 3161(h)(8)(B)(iv) and Local
2 Code T4, to allow continuity of counsel and to allow reasonable time necessary for effective
3 presentation.

4 It is further agreed and stipulated that the interest of justice served by granting this
5 continuance exceeds the interest of the public and the defendant in a speedy trial.

6 Accordingly, the parties respectfully request the Court adopt this proposed stipulation.
7

8 IT IS SO STIPULATED

9 DATE: October 10, 2005

10 s/Hayes H. Gable, III
11 **HAYES H. GABLE, III**
12 Attorney for Defendant

13 DATE: October 10, 2005

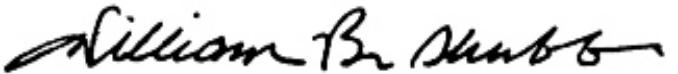
14 s/Hayes H.a Gable, III for
MATTHEW SEGAL
15 Asst. U.S. Attorney

ORDER FINDING EXCLUDABLE TIME

16 For the reasons set forth in the accompanying stipulation and declaration of counsel filed under seal,
17 the status conference in the above-entitled action is continued to November 23, 2005, at 9:00 a.m.
18 The court finds excludable time in this matter from October 12, 2005 through November 23, 2005,
19 under 18 U.S.C. § 3161(h)(8)(B)(iv) and Local Code T4, to allow continuity of counsel and to allow
20 reasonable time necessary for effective presentation. For the reasons stipulated by the parties, the
21 Court finds that the interest of justice served by granting the requested continuance outweigh the best
22 interests of the public and the defendant in a speedy trial. 18 U.S.C. 3161(h)(8)(A), (h)(8)(B)(iv).

23 IT IS SO ORDERED.

24 DATE: October 11, 2005

25 
26 William B. Shubb
27 WILLIAM B. SHUBB
28 UNITED STATES DISTRICT JUDGE